IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 10TH JANUARY 2007 / 20TH PAUSHA 1928

WP(C).No. 30588 of 2006(N)

PETITIONER:

MATTUMAL MOHAMMEDKUTTY,
AGED 55 YEARS, S/O.ALI, P.O.ATHRUSSERY,
KOOVAPPURA, MALAPPURAM DISTRICT.

BY ADV. SRI.K.K.MOHAMED RAVUF

RESPONDENTS:

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1. THE SUB INSEPCTOR OF POLICE,
KALPAKANCHERRY, TIRUR TALUK,
MALAPPURAM DISTRICT.

2. THE SUPERINTENDENT OF POLICE,
MALAPPURAM.

3. THE INSPECTOR GENERAL OF POLICE,
KOZHIKODE.

BY GOVERNMENT PLEADER SRI. GIKKU JACOB

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 10/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

R. BASANT, J.

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W.P.C.No. 30588 of 2006 N

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Dated this the 10th day of January, 2007

JUDGMENT

The short grievance of the petitioner is that Ext.P1 complaint filed by him about the commission of a cognizable offence on 15.10.2006, though received by the police, no action is being taken by the police on such complaint. This, it is alleged, is because of the influence exerted by the rivals of the petitioner.

2. Notice was given to the learned Public Prosecutor. The learned Prosecutor after taking instructions has filed a statement. It is admitted that Ext.P1 complaint about the incident which occurred on 15.10.06 has been received by the police.

3. Why then has no F.I.R. been registered? There is no contention that Ext.P1 does not reveal the commission of a cognizable offence. On receipt of such a complaint the respondent police is certainly bound to proceed in accordance with the Code of Criminal Procedure by registering a crime. The decision in **K.Moideenkutty Haji** v. **State of Kerala** (2002 (1) KLT 835) of the Division Bench of this Court adverting to precedents has made

the position very clear. I do not, in these circumstances, find any justification for the inaction of the police, who had admittedly received Ext.P1.

4. This Writ Petition is accordingly allowed. The first respondent is directed to register a crime on the basis of Ext.P1 and conduct proper investigation. I may hasten to observe that I have not intended to express any opinion on the acceptability of the allegations, which will have to be ascertained in investigation and appropriate action taken.

5. Hand over copy of this judgment to the learned Prosecutor

(R. BASANT)
Judge

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